

REMARKS

Claims 1-12 remain under active prosecution in the present application. Applicants respectfully assert that all amendments are supported by the original disclosure and do introduce new matter. Moreover, Applicants further respectfully assert that the amendments merely clarify and do not narrow the scope of the claims.

In the subject Office Action dated 22 October 2003, an Advisory Action was given by the Examiner indicating that he proposed Amendment dated 17 September 2003 would not be entered because they raised new issues that would require further consideration and/or search. Specifically, "Claim 1 has been amended and necessitated new search to be in condition for allowance. The declaration under 37 C.F.R. 1.131 filed against the prior art Bjornberg patent. The exhibit A does not have enough evidence to prove conception and reduction of practice prior to May 7, 1998. The exhibit fails to show the claim invention prior to May 7, 1998 therefore the Examiner maintains the final rejection. . "

In an office action dated 17 April 2003, Claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite, specifically that line 7-8 stating "said IVR for forwarding the out-of-band call destination information to said IVR". The claim has been amended in manner corresponding to claim 5 by adding the phrase "in electronic communication with" prior to the aforementioned phrase. Withdrawal of the rejection under 35 USC 112, 2nd para. is thus respectfully requested.

Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjornberg, et. al. (US Patent 6,366,658). Claims 6-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Katz (US Patent 5,553,120). Claims 2-4 and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjornberg in view of Katz. Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Katz in view of Bjornberg. The rejections are traversed.

The Applicants appreciate that the Examiner spoke to their representative, David Franklin, on 12 November by telephone. In particular, we appreciate the indication that if the application was returned to prosecution, such as by RCE, that an interview and an Examiner's amendment may well culminate in allowable subject matter.

Consequently, claim 1 as previously amended but not entered has been resubmitted herewith for consideration. Claims 2-12 have been maintained as pending in anticipation of an interview with the Examiner as discussed on November 12. The declaration swearing back under 37 CFR 1.131 of the cited Bjornberg reference is not being submitted at this time; however, the Applicants reserve the right to make such a submission.

Conclusion

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are now in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative, David Franklin at (512) 651-6856 or dfranklin@fbtlaw.com.

The Assistant Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

<p align="center"><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p><u>December 2</u>, 2003</p> <p><u>Elizabeth A. Middleton</u> Elizabeth A. Middleton</p>
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Respectfully submitted,

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